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7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF NEVADA**
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10 VICTOR LYONS, *individually and on*
11 *behalf of all 57.4 million other Social*
Security Pensionsers,

12 Plaintiff,
13 v.
14 BANK OF AMERICA,
15 Defendant.

Case No. 2:16-CV-02760-KJD-NJK

ORDER

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17 Before the Court for consideration is the Report and Recommendation (#4) of Magistrate
18 Judge Nancy J. Koppe entered December 20, 2016, recommending that Plaintiff's action be
19 dismissed for lack of subject matter jurisdiction. Plaintiff filed a response to the objections on
20 December 30, 2016.

21 The Court has conducted a *de novo* review of the record in this case in accordance with 28
22 U.S.C. § 636(b)(1) and LR IB 3-2. Plaintiff incorrectly asserts that he can act *pro se* on behalf of a
23 class in a class action. A party filing an action has the burden of proving that jurisdiction exists.
24 Plaintiff failed to meet his burden. The Court determines that the Report and Recommendation (#4)
25 of the United States Magistrate Judge entered December 20, 2016, should be **ADOPTED** and
26 **AFFIRMED**.

1 IT IS THEREFORE ORDERED that the Magistrate Judge's Report and Recommendation
2 (#4) entered December 20, 2016, are **ADOPTED** and **AFFIRMED**;

3 IT IS FURTHER ORDERED that Plaintiff's action is **DISMISSED without prejudice**.

4 DATED this 22nd day of February 2017.

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8 Kent J. Dawson
United States District Judge

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